

February 26, 1976

SENATOR CLARK: Mr. President and members, my first inclination was to call for the question, and knowing that my first inclination is usually right, I am going to call for the question.

PRESIDENT: Are there five seconds? There are five seconds. The question is, shall debate cease? Have you all voted? We are on Final Reading. Senators are required to be at your desks. Have you all voted on this matter? Record.

CLERK: 27 ayes, 13 nays to close debate, Mr. President.

PRESIDENT: Debate on this matter shall cease. Senator Chambers, will you please close debate by your reply.

SENATOR CHAMBERS: Yes, and Mr. Chairman, I am going to get some assistance from a Jesuit educated attorney, if I may. Senator Cavanaugh, would you assist me by answering a question or two for me? Is there currently by law in Nebraska a responsibility placed on the public schools to provide educational services for handicapped children?

SENATOR CAVANAUGH: Yes.

SENATOR CHAMBERS: If this proposed amendment is passed, is it a means by which these schools can get around that responsibility and farm them out to private schools, whether they be sectarian or nonsectarian?

SENATOR CAVANAUGH: No, it is a method by which they can fulfill their current obligation. If you will understand the history of 403 and the Stahmer amendment whereby he allowed for contracting and the Attorney General allowed that situation to develop and then cut it off and that is how we got to where we are. The schools determined they couldn't provide that service themselves, went into a contracting situation originally approved by the Attorney General and then terminated by the Attorney General and that is why this bill is on our desk today because of that very situation, the inability of the districts to provide the service, their initiation of contracting of service and the termination of that contracting.

SENATOR CHAMBERS: Senator Cavanaugh, if a parent has a handicapped child and is living in a school district which is not providing these services and the law has required the school district to provide that service, would that parent have cause of action in a court to compel the schools to provide that service?

SENATOR CAVANAUGH: They certainly would, I would think.

SENATOR CHAMBERS: Would that cause of action exist if 666 is not passed?

SENATOR CAVANAUGH: I suppose it would exist in either case.

SENATOR CHAMBERS: Thank you. Did you want to elaborate on your answer?